

S T O L L

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November 10, 2003

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FAX  
11/11/03

**Via Hand Delivery**

Mr. Thomas Dorman  
Executive Director  
Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40601

RE: Case No. 2003-00143

Dear Tom:

I deliver herewith the original and six (6) copies of a pleading moving the Commission to (1) make available to movants the information filed by Nextel Partners for which it seeks confidential treatment and (2) modify the Commission's Procedural Schedule,

Very truly yours,

STOLL, KEENON & PARK, LLP

By



Lindsey Ingram, Jr.

/sl

Enc.

cc: Counsel of Record

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**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

**IN THE MATTER OF:**

|                                      |   |                            |
|--------------------------------------|---|----------------------------|
| <b>PETITION OF NPCR, INC.,</b>       | ) |                            |
| <b>D/B/A NEXTEL PARTNERS FOR</b>     | ) | <b>CASE NO. 2003-00143</b> |
| <b>DESIGNATION AS AN ELIGIBLE</b>    | ) |                            |
| <b>TELECOMMUNICATIONS CARRIER IN</b> | ) |                            |
| <b>THE COMMONWEALTH OF KENTUCKY</b>  | ) |                            |

**MOTIONS**

Come Logan Telephone Cooperative, Inc.; Mountain Rural Telephone Cooperative Corporation, Inc.; Peoples Rural Telephone Cooperative Corporation, Inc.; South Central Rural Telephone Cooperative Corporation, Inc., and the Independent Telephone Group,<sup>1</sup> by counsel, and move the Commission to (1) make available to movants the information filed by Nextel Partners for which it seeks confidential treatment and (2) modify the Commission's Procedural Schedule.

This Commission must determine whether or not Nextel Partners has the service capabilities, operations and can provide service quality consistent with the requirements and expectations for Eligible Telecommunications Carriers and the public interest before they can be designated as Eligible Telecommunications Carriers. In addition to the reasons previously articulated in comments, these movants are entitled to and have a right by virtue of having been granted intervenor status and their service to the public to comment upon the requests of Nextel

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<sup>1</sup> An association of rural telephone companies consisting of Ballard Rural Telephone Cooperative Corporation, Inc.; Brandenburg Telephone Company; Coalfields Telephone Company; Duo County Telephone Cooperative Corporation, Inc.; Foothills Rural Telephone Cooperative Corporation, Inc.; Highland Telephone Cooperative, Inc.; Logan Telephone Cooperative, Inc.; Mountain Rural Telephone Cooperative Corporation, Inc.; North Central Cooperative Corporation; Peoples Rural Telephone Cooperative Corporation, Inc.; South Central Rural Telephone Cooperative Corporation, Inc.; Thacker-Grigsby Telephone Company, Incorporated and West Kentucky Rural Telephone Cooperative Corporation, Inc.

Partners for Universal Service Support. The inability of movants have full and complete answers to their requests for information severely limits them in their ability to determine whether or not Nextel Partners has, as alleged in the Petition, "sufficient wireless network infrastructure facilities and capacity to provide supported services throughout the Designated Areas in Kentucky over its own facilities."

Movants are willing to enter into a reasonable Confidentiality Agreement protecting the use and dissemination of the information for which confidential treatment has been requested.

Movants also move the Commission to amend the existing Procedural Schedule herein to provide them an opportunity to submit additional information requests within ten (10) days after the information for which Nextel Partners has requested confidential treatment is provided.

WHEREFORE, movants pray that the Commission direct the applicants to provide the requested information to them and a change of the Procedural Schedule.

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Telephone: (859) 231-3000

BY: Lindsey Ingram, Jr.  
Lindsey Ingram, Jr.

ATTORNEYS FOR INTERVENORS

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing pleading has been served by mailing same, postage prepaid, on this 10<sup>th</sup> day of November, 2003, to the following:

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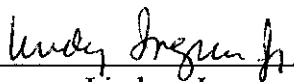
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